

# THE NEWS FROM THE OLD NORTH STATE AND ITS CAPITAL

## RALEIGH NEWS AND GOSSIP

### The Fellow Servant Act Declared Constitutional.

### SOME IMPORTANT DECISIONS

**Raleigh Loses a Damage Suit—Beating Way on Trains a Misdeemeanor—Medical Colleges in Straits—Board Issues Declared Invalid—Killing Reported From Montgomery County—Car Company Assigns**

Raleigh, N. C., March 22.—In decisions rendered yesterday, the Supreme Court held that the Fellow Servant act is constitutional, and again in another case that the failure of a railway company to properly equip its cars with safety appliances is negligence and makes it liable for damages resulting from such negligence where an employee sustains injury.

The constitutionality of the Fellow Servant act was decided in the case of Hancock versus the Norfolk and Western railroad, from Durham. The decision of the lower court is affirmed. The court holds that the Fellow Servant act, published in Private Acts 1897, is, notwithstanding, a public act, and does not require to be pleaded. Whether an act is public or private depends upon its nature and not upon whether it is printed among the private or public laws.

The act is constitutional both under the fifteenth amendment to the United States Constitution and Article 1, Section 7 of the Constitution of North Carolina. When unnecessary matter is sent up on the case on appeal and the appellant object to the same when the case on appeal is settled, this court will tax the appellee with the cost of that part of the transcript and with the printing of the same, even though the appellee is successful in this court.

In the case of Texas versus the Southern Railway Company, from Guilford, the court decides that the plaintiff is entitled to damages for injuries sustained by failure of the railroad to provide safety coupling appliances. The opinion of the lower court is affirmed.

The decision of the court is that the failure of a railroad company to equip its freight cars with automatic couplers is negligence per se and on the trial of an action to recover damages to a brakeman resulting from such failure, the judge committed no error in refusing to submit an issue as to whether the injury was due to the negligence of a fellow servant. Greenlee's case, 122 N. C., 977, to the effect that the company's failure to properly equip its cars with automatic couplers rendered it liable for injuries sustained by a brakeman in coupling cars with his hand, notwithstanding his negligence in this violation of the company's rule requiring employees to use a stick in coupling, is commented on and approved.

The failure of a railway company to properly equip its cars with these safety appliances is a continuing negligence, and its liability for damages resulting therefrom cannot be avoided by contributory negligence on the part of the employee sustaining the injury.

**RALEIGH MULCTED IN DAMAGES.** The Supreme Court yesterday affirmed the decision of the lower court, awarding Miss Hattie M. Dillon damages to the amount of \$3,000, to be recovered from the city of Raleigh.

The court held that Miss Dillon is entitled to damages for the injuries which she received in January, 1896, resulting from the obstruction on West South street, under the track of the Southern Railway.

**NEW ENGLAND SCRIBES.** The New England newspaper representatives arrived here yesterday in a private car. The Chamber of Commerce of Raleigh had wished to give them a banquet and otherwise entertain them, but the hospitality was declined on the ground of pressure of business. Though they were given no contract for advertisement by the city authorities, they were undaunted in their business zeal and canvassed the city thoroughly from private stores to State institutions. They were unsuccessful here in a business way.

**MUST NOT BEAT TRAINS.** The railroad authorities in this State speak in great commendation of the act passed by the last General Assembly, which provides that beating of way on trains shall be punished as a misdemeanor, and any person beating his way may be arrested and tried not only

**Bad Blood**  
Boils, Skin Eruptions, Ulcers, Pimples, Fever Sores, Eczema, Scrofula, Cancer, CURED BY B.B.B., BOTANIC BLOOD BALM.

To prove the wonderful healing power of B.B.B., every sufferer may receive a SAMPLE BOTTLE OF B.B.B. FREE BY MAIL.

B.B.B., Botanic Blood Balm, has a mastery over all Blood Diseases which no other remedy even approaches. B.B.B. literally drives the poison, or bad blood, out of the system, and restores the system, leaving the flesh pure and free from blemishes. While B.B.B. is a powerful blood remedy, it can be taken with perfect safety by old and young. B.B.B. leaves no bad after effects, and the cure is permanent.

Tumors, Eruptions, or Cancer of the Nose, Eye, Lip, Ear, Neck, Breast, Stomach, Legs, or Anus, are all cured by B.B.B., which is made especially to cure all terrible Blood Diseases. Persistent Sores, Boils, and Skin Blemishes, that resist other treatments, are quickly cured by B.B.B. Skin Eruptions, Pimples, Red, Itching Eczema, Scabies, Rashes, Red or Brown Patches, Blotches, etc., are all due to bad blood, and hence easily cured by B.B.B. Syphilis, Blood Poison, literally driven from the system by B.B.B. in one to five months. B.B.B. does not contain vegetable or mineral poison. One bottle will test it in any case. For sale by druggists everywhere. Large bottles, \$1.50; six for \$5. Send 2 stamps for look and free sample bottle, which will be sent by return mail. When you write, describe symptoms, and personal free medical advice will be given. Address Blood Balm Co., Atlanta, Ga.

In the county in which he is caught, but in any county in the State through which the road runs.

An involuntary petition in bankruptcy was to-day filed for Hall Brothers, of Halifax, N. C. Liabilities about \$3,000 and no assets save a small store and some general merchandise. A discharge in bankruptcy was given W. M. Carter, of Wilson, N. C.

**MEDICAL SCHOOLS IN STRAITS.** All the medical schools in this State are in great straits over an inability to procure dead bodies for dissection. The last General Assembly repealed the anatomy law, which enabled the schools to get bodies from charitable institutions and from the penitentiary, and now bodies can only be procured by purchase, which is always difficult. Formerly subjects for dissection were also obtained from Baltimore and other places, but now there is a stringent law against such shipments. Unless some assistance is given the State University in this matter it will be compelled to close its medical department.

**BONDS DECLARED INVALID.** The decision of the United States Supreme Court to the effect that the Wilkes county bonds issued to assist in building the N. W. North Carolina railroad are invalid, will interest very many people. The decision, which was rendered by the unanimous vote of the court, was written by Justice Peckham. It was based upon the general principle that the Federal Court is bound by the State constitution, and that the Supreme Court of North Carolina having given a construction, their construction must stand.

While this suit invalidated only the \$100,000 of Wilkes county bonds, it will also invalidate \$100,000 of Stanly and \$25,000 of Buncombe county bonds, which have the same defect, to-wit: They were not passed as required by the constitution. The tax-payers will be relieved of paying principal or interest on the bonds; the purchasers of the bonds, most of them doubtless parties who had nothing to do with the railroad for the building of which they were issued; the attorneys who appeared for the counties will get big fees; the Supreme Court is sustained, and Judges Purnell and Simonon stand overruled.

**KILLING IN MONTGOMERY.** It is learned here that a bloody fight occurred at the distillery of Jim Stewart, in Montgomery county, on last Saturday. Ex-Sheriff Ewing drove out to the distillery to collect some back taxes and became involved in a quarrel with Stewart and others over the matter. A furious fight followed and in the melee Ewing shot Stewart, killing him instantly. Ewing was arrested and carried to jail at Troy. On the way he complained of his back and when the jail was reached an examination showed that he had been severely slashed with a knife. It is charged that he was cut after the fight. Friends of Stewart will endeavor to counsel and Ewing will be vigorously prosecuted.

**CAR COMPANY FAILS.** The North Carolina Car Company has failed. In accordance with a resolution passed by the Board of Directors, the president of the company, Mr. Julius Lewis, and the secretary-treasurer, Mr. John Ward, confessed judgment before the clerk of court in the sum of \$18,580.25, money borrowed from the National Bank of Raleigh.

Immediately thereafter a deed of trust, naming Messrs. Ed. Chambers Smith and Charles H. Belvin as trustees, was executed by the company, through its officers, and filed in the office of the Register of Deeds. Upon all and every personal property of the company, the conveyance includes all the lumber and product of the company, whether manufactured or in process of manufacture, horse and wagon, all claims due the company and all fixtures acquired since April 1st, 1897.

**NEW BERN.** THE ATLANTIC AND NORTH CAROLINA RAILROAD LEASE. New Bern, N. C., March 22.—Messrs. J. C. L. Harris and McKee & Day, attorneys for D. W. Patrick, incumbent of the presidency of the Atlantic and North Carolina railroad, and Simmons, Pou & Ward, attorneys for President-elect Bryan, have practically agreed on the facts in the case to try the title to the office.

It was expected that the case, as agreed on, would be submitted to Judge Hoke at chambers within the next two weeks, and then go at once to the Supreme Court. It was found, however, by a decision of the Supreme Court (81 N. C. pp. 298, 303) that the title to an office, on a quo warranto, cannot be tried on an agreed case. So an adversary will have to be taken, the case tried in Superior Court and sent up regularly.

This will delay the case about three weeks and it will probably be tried at Wayne court April 18th.

In this, as in the Day case, the defendants set up two contentions: (1) That the Legislature had no right to take the appointment of directors out of the Governor's hands; (2) That if it did have such right it could not deprive the old directors of part of their term of office.

The term of these directors, and so of the officers of the road, expires September 1. But if the first point is sustained the new directors will not go in at all, the appointment of a new board then being with the Governor. If the second point is sustained the new board will go in on September 1st. If both points are overruled they go in at once.

Two suits have been brought—one by the new directors against the old directors, and one by the new State's proxy against the old proxy.

**EDENTON.** Edenton, N. C., March 22.—Mr. Theo. Ralph, our bustling contractor, has been awarded the contract to erect a large saw mill at Columbia, for the Branning Manufacturing Company, and is now busy at work on the job.

Mrs. W. O. Elliott is visiting her parents at Hertford. Some boys have too much brass, while others think that they haven't enough. Two of the kind last mentioned are now in jail for stealing \$15 worth of brass material belonging to the Branning Manufacturing Company. Photographer Morgan was busy this morning taking views of the public buildings, hotels, etc.

A number of young ladies and gentlemen visited the Fish Hawk yesterday afternoon. They went over on the handsome steam yacht Katrina.

## ELIZABETH CITY

### Funeral and Interment of Miss Lessie Grandy.

**Superior Court Cases—Many Persons Tried and Let Off Lightly—Property Sold—Lodge Organized—Death.**

(Special to Virginian-Pilot.)

Elizabeth City, N. C., March 22.—The remains of Miss Lessie Grandy arrived here yesterday on the 11:40 train from Norfolk and were taken to the home of her mother, corner of Road and Matthe streets, where they remained till 4 p. m., and were viewed by her many friends and relatives. The body was then taken to the Episcopal Church, and the funeral was conducted by the Rev. L. L. Williams, in the presence of a large number of sympathizing friends. The remains were interred in the Episcopal Cemetery in the family plot. Messrs. H. F. Greenleaf, C. W. Melick, Abner Aydtelle, Logan Old, W. J. Woodley and W. T. Old were the pall-bearers.

Miss Grandy was the eldest daughter of the late Hon. C. W. Grandy, who, for a number of years, was a prominent lawyer in the First District of North Carolina. Some sixteen or eighteen years ago she accepted a lucrative position in the Treasury Department in Washington City, which she occupied until recently. She saved a large portion of her salary and invested in Washington real estate, which is said to be very valuable.

**SUPERIOR COURT CASES.** The following cases were disposed of in the Superior Court yesterday: Sol. Nixon, indicted for larceny; guilty and sentenced to one year in the State penitentiary.

Elihu Harris and Wesley Pritchard, forcible trespass; not guilty. Willie Woodhouse, seduction; judgment suspended on payment of costs. C. R. Grandy, carry concealed weapons; submitted and judgment suspended on payment of costs.

C. F. Mussill, gambling; submitted and judgment suspended on payment of costs. Wilson Williams and Ed. Skiles, guilty as to Skiles, and judgment suspended on payment of costs. As to Williams, judgment suspended and default discharged.

Joe Ashby, assault; guilty and judgment suspended on payment of costs. Alfred Brooks, assault; submitted and judgment suspended on payment of costs.

Messrs. Percy Wood, McMullen and W. H. Grandy, having produced a license from the Superior Court, were sworn in as practicing attorneys in the courts of this district. W. R. Zimmerman, refusing to be vaccinated; jury failed to agree and case goes over to the next term of court.

**JUNIOR ORDER LODGE ORGANIZED.** Mr. L. W. Hottelmann, of this city, a special deputy for the J. O. U. A. M., organized a council at Columbia last week with seventy-six of Tyrrell county's best men. The following officers were elected and duly installed by the special deputy:

J. A. Spruill, J. P. Councillor; M. Maggett, councillor; G. L. Liverman, R. S.; H. W. McClure, A. R. S.; H. C. Walker, P. S.; Charles Batemore, treasurer; S. M. Combs, warden; P. L. Spruill, instructor.

**PROOF.** It is an easy matter to claim that a remedy has wonderful curative power. The manufacturers of **RHEUMACIDE** leave it to those who have been permanently and positively cured of RHEUMATISM to make claims. Among those who have recently written us verifying letters saying that they have been cured are:

Rev. J. L. Foster, Raleigh, N. C.; Mr. J. E. Robinson, Editor Goldsboro Argus; Mr. A. Daus, a prominent merchant, Macon, Ga.; and Mr. W. R. Duke, a railroad man, Kansas City, Mo.

**Rheumacide Will Cure You.** Manufactured by THE BOBBITT DRUG CO., Raleigh, N. C.

Sold in Norfolk by McClenahan & Powell and Druggists generally. Price \$1 per bottle. mech-su,ta,frl-6m

**ABSOLUTE SECURITY.** Genuine **Carter's Little Liver Pills.**

Must Bear Signature of *Bentley*

See Fac-Simile Wrapper Below. Very small and as easy to take as sugar. **CARTER'S LITTLE LIVER PILLS.** FOR HEADACHE. FOR DIZZINESS. FOR BILIOUSNESS. FOR TORPID LIVES. FOR CONSTIPATION. FOR SALLOW SKIN. FOR THE COMPLEXION. GENUINE MUST HAVE SIGNATURE. Price 25 Cents. PURELY VEGETABLE. **CURE SICK HEADACHE.**

side sentinel; G. V. Cohool, outside sentinel; T. H. Woodley, J. J. McClure and Thomas Spruill, trustees.

**PROPERTY SOLD.** The Laden store and lot, corner of Road and Ebringhaus streets, was sold at public sale yesterday for \$1,050. Mr. J. C. Wilson, of Woodville, was the purchaser.

**DEATH.** Mr. Thomas Wright, an engineer well known here, died last Sunday. The funeral was conducted by Rev. E. F. Sawyer.

**WILSON.** Wilson, N. C., March 22.—The new uniforms for the Wilson Light Infantry have arrived and the boys are much pleased with them.

Mr. P. H. Platt, of Raleigh, who secured a license some weeks ago to marry Miss Hattie Ferrall, of this county, was wedded on Sunday and left for Apex. Mr. Platt is a clerk at A. B. Stromach's in Raleigh, in which city the happy couple will make their home.

A movement is on foot, and is rapidly crystallizing, to erect a fine Masonic building in Wilson. The members of Mt. Lebanon Lodge are taking deep interest in the matter and have strong hopes of seeing it erected in the near future. It will contain, besides the halls for lodge use, stores on the ground floor, offices above and a modern opera house. Plans will soon be secured for the building and its erection, if a suitable site can be secured, is almost an assured fact.

**STATE NEWS NOTES**

Mr. Silas Lucas, an enterprising citizen of Wilson, is authority for the statement that there is a probability of the establishment of a mammoth cigarette factory in that city.

Mr. Benjamin F. White, aged about 60 years, died a few days ago at Murfreesboro after a long illness. He suffered a stroke of paralysis several months ago.

There is strong talk of a new railroad from Littleton to Rocky Mount being built in the near future. This would cut through one of the best farming, timber and mining countries in the South. Progressive capitalists are behind it, and the chances of the new road are excellent.

Dr. Calvin S. Blackwell will lecture at Southern Pines to-night on "Grit, Grace and Gumption" for the benefit of the Baptist Boys' Brigade.

A charter was granted at Charleston, W. Va., yesterday to the Cumberland Cotton Mills Company, of Cumberland, N. C.

The damage to the Hope Cotton mills, caused by the late storm, has been repaired.

North Carolina has had thus far \$175,000. From the Peabody Normal College fund at Nashville we have had about \$40,000 besides. The children of North Carolina should be taught to honor the name of George Peabody.

It is a fact not generally known that Moore county has a larger number of miles of railroad track than any other county in the State.

Eustace Hunt, who resides near Milton, recently sold to Lunt and Nelson a walnut tree that measured forty-two inches in diameter at the butt, and twenty-four feet long. Mr. Hunt realized about fifty dollars from the sale of this tree.

Mr. John N. Harrell, who returned from Jacksonville to Raleigh some time ago so originally ill with fever, has about recovered and expects soon to leave for Cuba. His father, Capt. Eugene Harrell, expects to make his home in Cuba. He writes that he has many business opportunities there.

Farmers of Guilford county complain that the heavy rains have played havoc with wheat which has been sown with clover, washing the wheat with it, so that in some places there is but little left. Most of this has been done since the first of the year.

The congregation of St. Agnes Catholic Church, Greensboro, will soon begin the erection of a handsome new edifice on North Elm street. The old church on North Forbes street has been sold to the city to be used in connection with the North Greensboro graded school.

Two young Croatians named Jacobs were arrested at Pates Friday and tried before United States Commissioner B. F. McLean Monday for breaking in and robbing the postoffice at that place on February 16th, of about \$12. They were bound over to the court and placed in jail in default of a \$500 bond each.

The Greensboro Telegram states that the heavy rains of last week badly damaged the Atlantic and Yadkin Valley Railway at Walnut Cove and Greensboro.

**Garden Time!**

**\$1.50.** Now is the time of year to think about cleaning up yards, preparing ground for flower and vegetable gardens. You can buy a good, full bolted Wheelbarrow for One Dollar and Fifty Cents. Our complete and full stock includes—

**Shovels, Spades, Hoes, Rakes and Forks!**

**Different Styled Wheelbarrows, Small Hand Plows and Wheel Hoes.** PL., JR., CATALOGUE FREE.

Wire to train climbing vines on and keep poultry out of gardens, as well as at home. Call and examine our stock.

**Norfolk Farm Supply Co.,** 25 AND 40 UNION STREET, GEO. E. TODD, MANAGER.

mantion, washing away trestles and injuring the track.

From a letter to his parents from Jay Sims, of Concord, now in Cuba, we see that the band of the First North Carolina Regiment is planning a tour of the State so soon as they arrive at home. This band is in fine trim, being able to play some very difficult music.

A colored man of Reidsville, bought a coffin for a sick relative last week and had it trimmed ready for business, saying he knew it would be needed in a few days. The person he bought it for died the latter part of the week.

The smallpox in McDowell county has run its course. The authorities very properly desired to burn the houses occupied by the smallpox patients, but the owners of the property refused to allow this. Thereupon the Legislature had to pass an act authorizing the commissioners to burn the houses.—Morganton News.

Appropos of the fact that the perpetrators of train hold-ups in Missouri so often escape detection and punishment, the Henry County Republican of that State sarcastically observes: "A law to compel the railroads of Missouri to provide medical attention and proper nursing for train robbers who are injured while industriously plying their vocation, as well as suitable provision for their dependent relatives in case of accidental death during a hold-up, would be a measure worthy of earnest consideration by the Legislature."

The Royal Academy of Sciences of Amsterdam has paid a delicate compliment to the English-speaking world by ordering that its transactions shall in future be printed in English, instead of the native Dutch, in order that they may be more available to the scientific world at large.

**Relief in Six Hours.**

Distressing Kidney and Bladder disease relieved in six hours by "New Great South American Kidney Cure." It is a great surprise on account of its exceeding promptness in relieving pain in bladder, kidneys and back, in male or female. Relieves retention of water almost immediately. If you want quick relief and cure this is the remedy. Sold by Walke & Martin, druggists, 108 Water street, Norfolk, Va.

When the hour came for the Kansas Legislature to close the other day detectives were stationed at every exit of the State House to see that no property was carried away. It has been the custom for a vast number of articles, ranging from a typewriter down to inkstands, to be carried off at the end of every session. The detectives found plenty to do and dozens of would-be thieves were forced to disgorge.

**CASTORIA**  
For Infants and Children.  
The Kind You Have Always Bought

Bears the Signature of *Charles H. Fletcher*

According to the London Daily News a Latin newspaper is now regularly appearing in Rome, and in it the news of the day and editorial comments upon the politics of barbarians may be read in the tongue of Cicero. The paper is named the Vox Urbis, and as yet has been issued but one month.

**CASTORIA.** The Kind You Have Always Bought  
Bears the Signature of *Charles H. Fletcher*

Daniel Decatur Emmett, the author of "Dixie," has just celebrated his 50th birthday. He courts solitude and describes himself as a hermit.

**CASTORIA.** The Kind You Have Always Bought  
Bears the Signature of *Charles H. Fletcher*

She: "Do you believe that too many cats spoil the broth?" He: "Yes, altogether too many."—Yonkers Statesman.

As the season of the year when pneumonia, la grippe, sore throat, coughs, colds, catarrh, bronchitis and lung troubles are to be guarded against, nothing is a fine substitute," will "answer the purpose," or is "just as good" as One Minute Cough Cure. That is the one infallible remedy for all lung, throat or bronchial troubles. Insist vigorously upon having it if "something else" is offered you.

A poet and a stove form a practical example of the manufacturer and consumer.—Chicago News.

**CASTORIA.** The Kind You Have Always Bought  
Bears the Signature of *Charles H. Fletcher*

March is going rapidly, and those who have not looked after their beds should do so at once. Our **BED BUG KILLER** will keep the beds clean an entire season. Price, 25c. with brush. It is now warm enough to bring out the moth flies, and their eggs deposited in your woolen clothes means their destruction during summer.

Moth Balls, 5c. lb.; 6 lbs. 25c. Naphthalen Flakes, 10c.; 3 lbs. 25c. Camphor, 6c. lb. Crysta Alba, 25c. box; 3 for 25c.

**Burrow, Martin & Co.** 296 MAIN ST. Goods delivered free in Portsmouth, Berkeley and Atlantic City.

**MADE ME A MAN** AJAX TABLETS POSITIVELY CURE ALL NERVOUS PHASES—Falling Memory, Insomnia, Sleeplessness, etc., caused by Excess and other Excesses and Indulgences. They quickly and surely restore Lost Vitality in old or young, and fit a man for steady business or marriage. Present Insanity and Consumption if set upon having the genuine AJAX Tablets. They have cured thousands and will cure you. We give positive written guarantee to effect a cure in each case or refund the money. Price 50 cents per package, or six packages (full treatment) for \$2.50. By mail, in plain wrapper, send receipt of price. Circular free. **AJAX REMEDY CO.,** 19 Beulah St., Chicago, Ill.

**Eat**  
**GOLDEN GATE Crackers**  
Crisp and Dainty.  
Pie Crust Flavor.  
MADE BY  
**MARVIN, Pittsburg.**

## Lawrence & Welton

**Black Taffeta Silk.**

Just as staple as it is possible for goods to be—and such an assortment—50, 62½, 69, 75c. and \$1.00. The real imported Swiss Taffetas are \$1.00, \$1.25 and \$1.50. They are extra wide—24 to 27 inches.

**Crepons.**

It is hard indeed to describe these goods. The range of patterns includes some of the most beautiful designs the season has offered. The \$1.50 number we will sell with perfect confidence. Other prices are \$2, \$2.25 and up to \$4.00 the yard.

**Dress Patterns.**

Not one or two, but many styles to select from. The Polka Dot Patterns are probably the most desirable—Tans, Greens and Greys. The Grenadines are in Tan, Grey, Brown and Blue.

**Gloves.**

The new waist or dress is not complete without a nice pair of Gloves. Just received our Spring stock of Centemeri Gloves. And you know they fit.

**Lawrence & Welton**  
218 Main Street.

**Bed Bugs and Moth Flies**

March is going rapidly, and those who have not looked after their beds should do so at once. Our

**BED BUG KILLER**

will keep the beds clean an entire season. Price, 25c. with brush.

It is now warm enough to bring out the moth flies, and their eggs deposited in your woolen clothes means their destruction during summer.

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